

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Northern District of New YorkUnited States of America
v.
JOSEPH VINCENT JENKINS

Case No. 7:11-MJ-373 (ATB)

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 05/24/2009 in the county of Jefferson in the Northern District of
New York, the defendant violated Title 18 U. S. C. § 2252A(a)(1) & 2252A(a)(5)(B)

, an offense described as follows:

Joseph Vincent Jenkins (1) knowingly and unlawfully transported child pornography, as defined in Title 18, United States Code, Section 2256(8), using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(1). (2) Joseph Vincent Jenkins did knowingly possess, and access with intent to view, child pornography that had been transported using any means of interstate and foreign commerce and in and affecting such commerce, and that was produced using materials which have been so transported, in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) & 2256(8)(A).

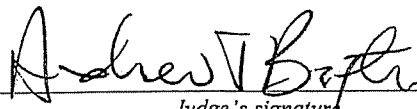
This criminal complaint is based on these facts:

☒ Continued on the attached sheet.*Complainant's signature*

Chad Willard, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/12/2011*Judge's signature*City and state: Syracuse, NY

Hon. Andrew T. Baxter, U.S. Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Chad J. Willard of United States Department of Homeland Security, Bureau of Immigration and Customs Enforcement (ICE), being duly sworn under oath, do hereby depose and state:

INTRODUCTION

1. I am a Special Agent with United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) and have been so employed since August 6, 2006. I am currently assigned to the ICE resident agent office in Alexandria Bay, NY. As part of my of my daily duties as a Special Agent with ICE, I investigate criminal violations involving child exploitation and child pornography including violations pertaining to the illegal transportation, production, distribution, receipt, and possession of child pornography, in violation of United States Code, Sections 2251, 2252, and 2252A. I have participated in investigations of persons suspected of violating child pornography laws and have had the opportunity to observe and review numerous examples of child pornography as defined under Title 18, United States Code, Section 2256 in various forms of media including computer media.

2. This affidavit is made in support of a criminal complaint charging JOSEPH VINCENT JENKINS with violations of Title 18, United States Code, Section 2252A(a)(1)(transporting child pornography) and Title 18, United States Code, Section 2252A(a)(5)(B)(possession of child pornography).

BASIS OF INFORMATION

3. The statements in this Affidavit are based in part on my investigation of this matter and on information provided by other law enforcement officers, personnel specifically trained in the seizure and analysis of computers and electronic media, and on my experience and training as a Special Agent with ICE. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe JOSEPH VINCENT JENKINS did knowingly transport child pornography using any means or facility of interstate or foreign commerce and in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(1); and has knowingly possessed and accessed with intent to view, child pornography that had been transported using any means of interstate and foreign commerce and in and affecting such commerce, and that was produced using materials which have been so transported, in violation of Title 18, United States Code, Section 2252A(a)(5)(B) & 2256(8)(A).

4. On May 24, 2009, at approximately 9:00 a.m., JOSEPH VINCENT JENKINS was encountered by Canada Border Services Agency (CBSA), the Canadian agency responsible for administering legislation that governs the admissibility of people and goods, plants and animals into and out of Canada, as JENKINS applied for admission into Canada at the Port of Lansdowne, Lansdowne, Ontario, Canada from Wellesley Island, New York, in Jefferson County. JENKINS was encountered as the driver and sole occupant of a 2003 Dodge Ram pickup truck bearing New York license plate 19322JL, which was later determined to be registered in his name through checks with the New York State Department of Motor Vehicles.

5. JENKINS was directed to the secondary inspection area where CBSA Officers conducted an examination. A CBSA Officer located a Toshiba laptop bearing Serial Number: 78175808W in a box located on the right rear passenger seat. The Officer asked JENKINS if the laptop was new and JENKINS stated he has owned it for over a year but keeps it in the original box because he does not have a laptop bag for it. Also discovered during the course of the examination were a Compaq laptop Serial Number: CNF3362GPN; one (1) PNY Attache 8GB USB thumb drive; one (1) PNY Attache 4GB USB thumb drive; one (1) PNY Attache 2GB USB thumb drive; six (6) compact discs; one (1) Belkin Notebook card Serial Number: 158229302697; one (1) Olympus Digital Camera Serial Number: 408242909; one (1) Olympus XD Card Serial Number: MXD16P3K57106SSX30421MAD; and one (1) Motorola Cellular phone.

6. A CBSA Officer examined the PNY Attache 8GB USB thumb drive and found a video titled: 9yo_vicky_stripping_and_sucking_kiddy_pedo_illegal_underage_preteen that he reasonably believed to be child pornography. The officer subsequently placed JENKINS under arrest for possession of Child Pornography, a violation of the criminal code of Canada. JENKINS was read his rights to counsel and cautioned according to procedures under Canadian law.

7. At approximately 9:45 a.m., an Investigator with the CBSA Criminal Investigative Division was notified of JENKINS arrest and brought in to assist with the investigation. The Investigator reviewed several videos stored on the PNY Attache 8GB USB thumb drive; descriptions of the videos are as follows:

- a. **9yo_vicky_stripping_and_sucking_kiddy_pedo_illegal_underage_preteen:**
the video was of a young girl in a tank top and skirt with black stockings. She appears to be pre-pubescent and is instructed to twirl and undress. The girl removes all of her clothing except for the black stockings. She has no breast or hip development and no pubic hair. She approaches the person holding the video camera, unzips his pants and performs oral sex.
- b. **Bd-C.avi_1:** the video is of a pre-pubescent girl with no development at all, she is posing for a photo shoot and at times the camera focuses only on her exposed vagina.
- c. **2.95_gigs_in_71_files_26:** the video has a marking in the top right corner which says Sun Dolls. The video is a young female with no pubic hair but some budding in the breast and she is in the shower.

8. On May 27, 2009, Detective Constable Kip Wohlert of the Ontario Provincial Police's Child Sexual Exploitation Section applied for and was issued a warrant authorizing a search of the aforementioned Toshiba laptop, Compaq laptop, PNY Attaché 8GB thumb drive, PNY Attaché 4GB thumb drive, PNY Attaché 2GB thumb drive, Olympus Digital Camera and Verizon Motorola cell phone under the authority of the Province of Ontario, Canada.

9. JENKINS was charged under Canada Criminal Code with Importing-Distributing Child Pornography and Possessing Child Pornography. On October 18, 2010, defendant JENKINS was scheduled to appear for a trial in Canada on those charges. JENKINS failed to appear and a warrant was issued.

10. On or about October 21, 2010, Detective Constable Kip Wohlert provided Homeland Security Investigations Special Agent Matthew Meyer with police and forensic reports associated with the investigation by Ontario Provincial Police into JOSEPH VINCENT JENKINS. These reports received by Special Agent Meyer included image files discovered on the Toshiba laptop and PNY Attaché thumb drives that were seized from JENKINS and searched by the Ontario Provincial Police pursuant to the aforementioned search warrant. Detective Constable Kip Wohlert also advised Special Agent Meyer that a video of child pornography was found in dead space on the Compaq laptop seized from JENKINS.

11. The Toshiba laptop, Compaq laptop, PNY Attaché 8GB thumb drive, PNY Attaché 4GB thumb drive, PNY Attaché 2GB thumb drive, Olympus Digital Camera and Verizon Motorola cell phone were transferred to the custody of Homeland Security Investigations, located at 46735 US I-81 Alexandria bay, NY 13607. Homeland Security Investigations took custody of these devices on April 1, 2011, from the Ontario Provincial Police.

12. On July 6, 2011, the Honorable George H. Lowe signed a search warrant authorizing a search of the aforementioned Toshiba laptop, Compaq laptop, PNY Attaché 8GB thumb drive, PNY Attaché 4GB thumb drive, PNY Attaché 2GB thumb drive, Olympus Digital Camera and Verizon Motorola cell phone that had been seized from JENKINS upon his application for admission into Canada from Jefferson County on May 24, 2009.

13. The aforementioned items seized from JENKINS were transferred to HSI Computer Forensic Agent Brain Braisted for forensic analysis. Agent Braisted examined the electronic media and located approximately 3,881 image and 109 multimedia files of suspected child pornography that were located on the Toshiba laptop, PNY Attaché 8GB thumb drive and PNY Attaché 4GB thumb drive. Three of the image files that depicted suspected child pornography are described below by title and description:

- a. 1172797076831.jpg - This image depicts a naked minor female child lying on her back on a bed spread. Her legs are spread apart and there is an adult male penis inserted into her vagina. The child appears to be less than 10 years of age.
- b. 1176918388080.jpg - This image depicts a minor female child lying on her back on a bed with her legs spread apart. The female child's clothing is unbuttoned completely and her underwear are torn open exposing her genitals. An adult hand is holding a green foreign object which is penetrating the female child's anus. The child is depicted in an unnatural pose and the focal point of the image is the child's vagina. The child appears to be less than 13 years old.
- c. 1172611108503.jpg - This image depicts a minor female child leaning backwards on a bed with her legs spread open and feet under her buttocks supporting her. The child is wearing no clothing and is depicted in an unnatural pose displaying her vagina in a lewd and lascivious manner. The child appears to be 11 to 12 years old.

The aforementioned images are available for the Court's review upon request.

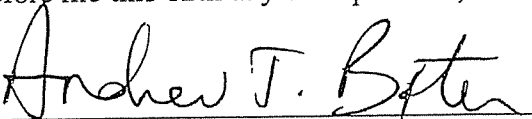
CONCLUSION

14. Based on my training and experience and the above information, there is probable cause to conclude that JOSEPH VINCENT JENKINS did knowingly transport child pornography using any means or facility of interstate or foreign commerce and in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(1); and has knowingly possessed and accessed with intent to view, child pornography that had been transported using any means of interstate and foreign commerce and in and affecting such commerce, and that was produced using materials which have been so transported, in violation of Title 18, United States Code, Section 2252A(a)(5)(B) & 2256(8)(A).



Chad J. Willard, Special Agent
Homeland Security Investigations
Department of Homeland Security

SUBSCRIBED and SWORN
before me this 12th day of September, 2011



The Honorable Andrew T. Baxter
United States Magistrate Judge